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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2017-034206

12 GERARD GEOFFREY GORYL, M.D.
2850 Artesia Boulevard, Suite 107
13 Redondo Beach, California 90278

**DEFAULT DECISION
AND ORDER**

14 Physician's and Surgeon's Certificate
No. A 42265,

[Gov. Code, §11520]

15
16 Respondent.

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18 **FINDINGS OF FACT**

19 1. On December 27, 2017, Kimberly Kirchmeyer (Complainant), in her official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
21 (Board), filed Accusation No. 800-2017-034206 against Gerard Geoffrey Goryl, M.D.
22 (Respondent) before the Board.

23 2. On November 12, 1985, the Board issued Physician's and Surgeon's Certificate No.
24 A 42265 to Respondent. That license expired on August 31, 2015, and it has not been renewed.
25 A true and correct copy of the Certificate of Licensure for Respondent is attached hereto as
26 Exhibit A and is incorporated herein by reference.

27 3. On December 27, 2017, Jody Wright, an employee of the Board, served by certified
28 mail and first class mail copies of Accusation No. 800-2017-034206, Statement to Respondent,

1 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
2 11507.7, to Respondent's address of record with the Board, which was and is: 2850 Artesia
3 Boulevard, Suite 107, Redondo Beach, California 90278. On that same date, Jody Wright also
4 served the aforementioned documents by certified mail and first class mail to Respondent's
5 address of incarceration, which was and is: Booking Number 4131964, P.O. Box 86164, Terminal
6 Annex, Los Angeles, California 90086-0164. A copy of the Accusation, the related documents,
7 and the Declaration of Service are attached hereto as Exhibit B and are incorporated herein by
8 reference.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c).

11 5. On January 16, 2018, Cristina Gomez, an employee of the Office of the Attorney
12 General in the California Department of Justice, served by certified mail copies of the Courtesy
13 Notice of Default, Accusation No. 800-2017-034206, Statement to Respondent, Notice of
14 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7,
15 to Respondent's address of record with the Board, which was and is: 2850 Artesia Boulevard,
16 Suite 107, Redondo Beach, California 90278. On that same date, Cristina Gomez also served the
17 aforementioned documents by certified mail to Respondent's address of incarceration, which was
18 and is: Booking Number 4131964, P.O. Box 86164, Terminal Annex, Los Angeles, California
19 90086-0164. A copy of the Courtesy Notice of Default, Accusation, the related documents, and
20 the Declaration of Service are attached hereto as Exhibit C and are incorporated herein by
21 reference.

22 6. On January 29, 2018, the aforementioned documents referenced in paragraph 5
23 above, which had been sent to Respondent's address of record with the Board, were returned by
24 the U.S. Postal Service marked "Return to Sender -- Not Deliverable As Addressed - Unable to
25 Forward." A copy of the certified mail envelope returned by the U.S. Postal Service is attached
26 hereto as Exhibit D and is incorporated herein by reference.

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1 7. Business and Professions Code section 118, subdivision (b) states, in pertinent part:

2 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
3 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
4 of a court of law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the license on any such ground.”

9 8. Government Code section 11506, subdivision (c) states, in pertinent part:

10 “The respondent shall be entitled to a hearing on the merits if the respondent files a notice
11 of defense, and the notice shall be deemed a specific denial of all parts of the accusation not
12 expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent’s
13 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.”

14 9. A Notice of Defense in answer to the Accusation was due from Respondent within
15 fifteen (15) days after service of the Accusation. To date, Respondent has not submitted a Notice
16 of Defense to the Board or its counsel of record in this matter. Therefore, Respondent has waived
17 his right to a hearing on the merits of Accusation No. 800-2017-034206.

18 10. The Declaration of Nicholas B.C. Schultz attesting to the foregoing facts is attached
19 hereto as Exhibit E and is incorporated herein by reference.

20 11. California Government Code section 11520, subdivision (a) states, in pertinent part:

21 “If the respondent either fails to file a notice of defense or to appear at the hearing, the
22 agency may take action based upon the respondent’s express admissions or upon other evidence
23 and affidavits may be used as evidence without any notice to respondent.”

24 12. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and based on
26 Respondent’s express admissions by way of default and the evidence before it contained in
27 Exhibits A, B, C, D, E, F, G, H, and I, finds that the allegations in Accusation No. 800-2017-
28 034206 are true.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent has subjected his Physician's and
3 Surgeon's Certificate No. A 42265 to discipline.

4 2. Pursuant to its authority under California Government Code section 11520, and based
5 on the evidence before it, the Board hereby finds that the charges and allegations contained in
6 Accusation No. 800-2017-034206, and the Findings of Fact in paragraphs 1 through 12 above,
7 and each of them, separately and severally, are true. A true and correct copy of Accusation No.
8 800-2017-034206, the related documents, and the Declaration of Service are attached as
9 Exhibit B.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Medical Board of California is authorized to revoke Respondent's Physician's
12 and Surgeon's Certificate based upon the following violations alleged in the Accusation:

13 A. Conviction of a Crime Substantially Related to the Qualifications, Functions, or
14 Duties of a Physician and Surgeon: Respondent's license is subject to disciplinary action under
15 Business and Professions Code section 2236, subdivisions (a) and (d), in that Respondent was
16 convicted of thirty-six (36) felonies involving the furnishing of controlled substances. See
17 Exhibits F, G, H, and I attached hereto and incorporated by reference.

18 B. Unprofessional Conduct: Conviction of Charges Violating State Statutes or
19 Regulations Regulating Controlled Substances: Respondent's license is further subject to
20 disciplinary action under Business and Professions Code sections 2237 and 2238, in that
21 Respondent committed unprofessional conduct when he was convicted of thirty-six (36) felonies,
22 which were violations of state statutes or regulations regulating controlled substances. See
23 Exhibits F, G, H, and I attached hereto and incorporated by reference.

24 C. Violation of the State Medical Practice Act: Respondent's license is further
25 subject to disciplinary action under Business and Professions Code section 2234, subdivision (a),
26 and California Code of Regulations, title 16, section 1360, in that Respondent has violated a
27 provision or provisions of the Medical Practice Act. See Exhibits F, G, H, and I attached hereto
28 and incorporated by reference.

1 **ORDER**

2 **IT IS SO ORDERED** that Physician's and Surgeon's Certificate No. A 42265, heretofore
3 issued to Respondent, is revoked.

4 If Respondent ever files an application for re-licensure or reinstatement in the State of
5 California, then the Board shall treat it as a petition for reinstatement. Respondent must comply
6 with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the
7 time the petition is filed.

8 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
9 written motion requesting that the Decision be vacated and stating the grounds relied on within
10 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
11 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

12
13 This Decision shall become effective on March 14, 2018 at 5:00 p.m.

14
15 **IT IS SO ORDERED** February 12, 2018

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18 FOR THE MEDICAL BOARD OF CALIFORNIA
19 DEPARTMENT OF CONSUMER AFFAIRS

20 Kimberly Kirchmeyer
21 Executive Director
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1 XAVIER BECERRA
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2 JUDITH T. ALVARADO
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 21 2017
BY: Jody Wright ANALYST

8
9 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2017-034206

12 Gerard Geoffrey Goryl, M.D.
2850 Artesia Blvd., Suite 107
13 Redondo Beach, CA 90278

ACCUSATION

14 Physician's and Surgeon's Certificate
No. A 42265,

15
16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about November 12, 1985, the Medical Board issued Physician's and
24 Surgeon's Certificate Number A 42265 to Gerard Geoffrey Goryl, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate expired on August 31, 2015, and has not been renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2001.1 of the Code states:

2 "Protection of the public shall be the highest priority for the Medical Board of California in
3 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the
4 public is inconsistent with other interests sought to be promoted, the protection of the public shall
5 be paramount."

6 5. Section 2227 of the Code provides that a licensee who is found guilty under the
7 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
8 one year, placed on probation and required to pay the costs of probation monitoring, or such other
9 action taken in relation to discipline as the Board deems proper.

10 6. Section 2234 of the Code states:

11 "The board shall take action against any licensee who is charged with unprofessional
12 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
13 limited to, the following:

14 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
15 violation of, or conspiring to violate any provision of this chapter.

16 "..."

17 7. Section 2236 of the Code states:

18 "(a) The conviction of any offense substantially related to the qualifications, functions, or
19 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
20 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
21 evidence only of the fact that the conviction occurred.

22 "(b) The district attorney, city attorney, or other prosecuting agency shall notify the
23 Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor
24 immediately upon obtaining information that the defendant is a licensee. The notice shall identify
25 the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall
26 also notify the clerk of the court in which the action is pending that the defendant is a licensee,
27 and the clerk shall record prominently in the file that the defendant holds a license as a physician
28 and surgeon.

1 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
2 after the conviction, transmit a certified copy of the record of conviction to the board. The
3 division may inquire into the circumstances surrounding the commission of a crime in order to fix
4 the degree of discipline or to determine if the conviction is of an offense substantially related to
5 the qualifications, functions, or duties of a physician and surgeon.

6 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
7 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
8 shall be conclusive evidence of the fact that the conviction occurred.”

9 8. Section 2237 of the Code states:

10 “(a) The conviction of a charge of violating any federal statutes or regulations or any statute
11 or regulation of this state, regulating dangerous drugs or controlled substances, constitutes
12 unprofessional conduct. The record of the conviction is conclusive evidence of such
13 unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo
14 contendere is deemed to be a conviction within the meaning of this section.

15 “(b) Discipline may be ordered in accordance with Section 2227 or the Medical Board may
16 order the denial of the license when the time for appeal has elapsed, or the judgment of conviction
17 has been affirmed on appeal, or when an order granting probation is made suspending the
18 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
19 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of
20 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint,
21 information, or indictment.”

22 9. Section 2238 of the Code states:

23 “A violation of any federal statute or federal regulation or any of the statutes or regulations
24 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
25 conduct.”

26 10. California Code of Regulations, title 16, section 1360, states:

27 “For the purposes of denial, suspension or revocation of a license, certificate or permit
28 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be

1 considered to be substantially related to the qualifications, functions or duties of a person holding
2 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
3 evidences present or potential unfitness of a person holding a license, certificate or permit to
4 perform the functions authorized by the license, certificate or permit in a manner consistent with
5 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
6 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
7 violation of, or conspiring to violate any provision of the Medical Practice Act.”

8 11. Section 118, subdivision (b), of the Code states:

9 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
10 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
11 of a court of law, or its surrender without the written consent of the board, shall not, during any
12 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
13 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
14 provided by law or to enter an order suspending or revoking the license or otherwise taking
15 disciplinary action against the licensee on any such ground.”

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of
Physician and Surgeon)**

18 12. Respondent’s license is subject to disciplinary action under section 2236,
19 subdivisions (a) and (d), of the Code, in that he was convicted of 36 felonies involving furnishing
20 of controlled substances, which is substantially related to the qualifications, functions or duties of
21 a physician and surgeon. The circumstances are as follows:

22 13. At all times relevant to the charges herein, Respondent was a physician and surgeon
23 licensed to practice in California.

24 14. On or about November 18, 2014, a Felony Indictment was filed in the proceeding
25 entitled *The People of the State of California v. Gerard Goryl, et al.*, in Los Angeles Superior
26 Court, Case No. BA425289, charging Respondent with 36 counts of criminal misconduct:

27 a. Three counts of violation of Health and Safety Code section 11154(a)
28 [prescribing or furnishing controlled substance to person not under practitioner’s care];

1 b. Three counts of violation of Health and Safety Code section 11352(a)
2 [transportation, sale, giving away, etc., of designated controlled substances];

3 c. Thirteen counts of violation of Health and Safety Code section 11375(b)(1)
4 [possession for sale, or sale, of designated controlled substances];

5 d. Three counts of violation of Health and Safety Code section 11351 [possession
6 or purchase for sale of designated controlled substances];

7 e. Ten counts of violation of Health and Safety Code section 11155 [physician
8 who surrenders controlled substance privileges shall not possess, administer, dispense, or
9 prescribe a controlled substance];

10 f. Three counts of violation of Health and Safety Code section 11378 [possession
11 for sale of controlled substance]; and

12 g. One count of violation of Health and Safety Code section 11370.6(a)
13 [possession of moneys in excess of \$100,000 involved in unlawful sale or purchase of any
14 controlled substance].

15 15. The Felony Indictment alleged, among other things, that at various times from April
16 through September 2014, Respondent unlawfully and knowingly prescribed, administered,
17 dispensed, furnished, sold, or transported controlled substances such as Dihydrocodeinone,
18 Alprazolam, Phentermine, Phendimetrazine, Diethylpropion, Diazepam, Carisoprodol,
19 Lorazepam, Zolpidem Tartrate, Clonazepam, Hydrocodone, Acetaminophen and Codeine
20 Phosphate.

21 16. On or about December 1, 2016, upon Respondent's plea of nolo contendere, the Court
22 found Respondent guilty of all 36 felony counts.

23 17. On or about March 30, 2017, the Court sentenced Respondent to imprisonment in
24 county jail for seven years, which included a sentence enhancement pursuant to Health and Safety
25 Code section 11370.4(a)(1) (possession for sale of Phentermine in excess of one kilogram).
26 Respondent was also ordered to pay restitution, fines and fees, and provide buccal swab, thumb,
27 and palm prints, and blood specimens.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Conviction of Charges Violating State Statutes or Regulations**
3 **Regulating Controlled Substances)**

4 18. Respondent's license is subject to disciplinary action under sections 2237 and 2238 of
5 the Code, in that he committed unprofessional conduct when he was convicted of 36 felonies,
6 which were violations of state statutes or regulations regulating controlled substances, as more
7 particularly alleged in paragraphs 13 through 17, above, which are hereby incorporated by
8 reference and realleged as if fully set forth herein.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Violation of the State Medical Practice Act)**

11 19. Respondent is further subject to disciplinary action under section 2234, subdivision
12 (a), of the Code, and California Code of Regulations, title 16, section 1360, in that he has violated
13 a provision or provisions of the Medical Practice Act, as more particularly alleged in paragraphs
14 13 through 17, above, which are hereby incorporated by reference and realleged as if fully set
15 forth herein.

16 **DISCIPLINARY CONSIDERATIONS**

17 20. To determine the degree of discipline, if any, to be imposed on Respondent,
18 Complainant alleges that on or about June 19, 2006, in a prior disciplinary action entitled *In the*
19 *Matter of the Accusation Against Gerard Geoffrey Goryl, M.D.*, before the Medical Board of
20 California, in Case Number 06-2000-110166, a Decision became effective requiring the
21 Respondent to complete a clinical training program, a medical record keeping course, and an
22 ethics course prior to the issuance of a Public Reprimand, pursuant to a Stipulated Settlement and
23 Disciplinary Order. On or about April 23, 2008, a letter of Public Reprimand was issued to
24 Respondent after he fully complied with these conditions. That Decision and letter of Public
25 Reprimand are now final and are incorporated by reference as if fully set forth herein.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

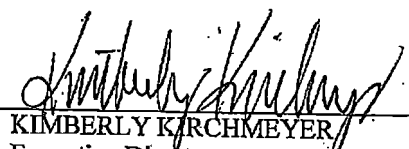
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 42265
5 issued to Gerard Geoffrey Goryl, M.D.;

6 2. Revoking, suspending or denying approval of his authority to supervise physician
7 assistants pursuant to Section 3527 of the Code, and advanced practice nurses;

8 3. If placed on probation, ordering Gerard Geoffrey Goryl, M.D. to pay the Board the
9 costs of probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: December 27, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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